

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

Applicant:	Kevin David Eld et al.	Examiner:	Kelvin Y. Lin
Serial No.:	09/845,813	Group Art Unit:	2142
Filed:	April 30, 2001	Docket No.:	10013062-1
Title:	DOCUMENT MANAGEMENT SYSTEM AND METHOD USING CONTENT GROUPING SYSTEM		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is presented in support of the Notice of Appeal filed on August 18, 2005, from the Final Rejection mailed May 19, 2005 rejecting claims 1, 2, 5-14, 16-20, and 23-31 of the above-identified application.

The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **\$500.00** for Filing a Brief in Support of an Appeal as set forth under 37 C.F.R. 1.17(c). At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees required under 37 C.F.R. 1.16, 1.17, 1.19, 1.20, and 1.21 to Deposit Account 08-2025.

Appellant respectfully requests reversal of the Examiner's rejection of pending claims 1, 2, 5-14, 16-20, and 23-31.

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Title: DOCUMENT MANAGEMENT SYSTEM AND METHOD USING CONTENT GROUPING SYSTEM**REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 2, 5-14, 16-20, and 23-31 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claims 3, 4, 15, 21, and 22 were previously cancelled.

Claims 1, 2, 5-14, 16-20, and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Poole et al. U.S. Patent No. 6,006,242.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Final Rejection mailed May 19, 2005. The claims listed in the Claims Appendix, therefore, reflect the claims as of May 19, 2005.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method of distributing a plurality of documents. The method includes associating a metadata file (18) with each of the documents, applying at least one content attribute (22) to each of the documents, including analyzing a content (13) of each of the documents and assigning a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and appending the metadata file (18') of each of the documents with the at least one content attribute and the content attribute value thereof, assigning at least one

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content group (32) to each of the documents based on the at least one content attribute and the content attribute value thereof, including modifying the metadata file (18") of each of the documents to include the at least one content group thereof, and distributing the documents based on the at least one content group of each of the documents (see, e.g., Specification at p. 11, line 13 - p. 12, line 12; and Figs. 3, 5, and 11-13).

One aspect of the present invention, as claimed in independent claim 14, provides a method of distributing a plurality of documents. The method includes associating a metadata file (18) with each of the documents, applying a content attribute (22) to each of the documents, including analyzing a content (13) of each of the documents and assigning a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and appending the metadata file (18") of each of the documents with the content attribute and the content attribute value thereof, assigning a content group (32) to each of the documents based on the content attribute and the content attribute value thereof, including modifying the metadata file (18") of each of the documents to include the content group thereof, defining a plurality of content categories (42), including associating the content group with at least one of the content categories, and distributing for the at least one of the content categories each of the documents assigned the content group (see, e.g., Specification at p. 11, line 13 - p. 12, line 22; and Figs. 3, 5, 8, and 11-14).

One aspect of the present invention, as claimed in independent claim 18, provides a document management system adapted to manage distribution of a plurality of documents. The document management system includes a metadata architecture system (20), a logic rules application system (30), and a document distribution system (40). The metadata architecture system is adapted to analyze a content (13) of each of the documents, apply at least one content attribute (22) to each of the documents based on the content thereof, assign a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and append a metadata file (18) of each of the documents with the at least one content attribute and the content attribute value thereof. The logic rules application system is adapted to assign at least one content group (32) to each of the documents based on the at least one content attribute and the content attribute value thereof, and modify the metadata file of each of the documents to include the at least one content group thereof, and the document distribution system is adapted to distribute the documents based on the at least one

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content group of each of the documents (see, e.g., Specification at p. 5, line 11 - p. 8, line 2; and Figs. 1, 3, and 5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1, 2, 5-14, 16-20, and 23-31 under 35 U.S.C. 102(b) as being anticipated by Poole et al. U.S. Patent No. 6,006,242.

ARGUMENT

Rejection Under 35 U.S.C. § 102

A. Applicable Law

To anticipate a claim under 35 U.S.C. 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

B. Rejection of claims 1, 2, 5-14, 16-20, and 23-31 under 35 U.S.C. §102(b)

Because the Poole et al. U.S. Patent No. 6,006,242 fails to teach each and every element of the claims, the rejection of claims 1, 2, 5-14, 16-20, and 23-31 under 35 U.S.C. 102(b) is not correct and should be withdrawn.

Independent claim 1 recites a method of distributing a plurality of documents including at least analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, assigning at least one content group to each of the documents based on the content attribute and the content attribute value thereof, and distributing the documents based on the at least one content group of each of the documents.

Independent claim 14 recites a method of distributing a plurality of documents including at least analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, assigning a content group to each of the documents based on the content attribute and the content attribute value thereof, defining a plurality of content categories, and distributing for at least one of the content categories each of the documents assigned the content group.

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Independent claim 18 recites a document management system including at least a metadata architecture system adapted to analyze a content of each of the documents, apply at least one content attribute to each of the documents based on the content thereof, and assign a content attribute value to the content attribute of each of the documents based on the content thereof, a logic rules application system adapted to assign at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, and a document distribution system adapted to distribute the documents based on the at least one content group of each of the documents.

The Poole et al. patent relates generally to document production, and more particularly, to an apparatus and method for dynamically constructing an electronic document for subsequent publication (col. 1, lines 16-20). As such, Figs. 3 and 4 of the Poole et al. patent illustrate in flow diagram form various steps involved in creating a document in accordance with the Poole et al. invention (col. 6, lines 15-17). More specifically, Fig. 4 of the Poole et al. patent illustrates a document construction routine (col. 6, line 49 - col. 7, line 27).

The apparatus and method of the Poole et al. patent, therefore, is directed to creating a document not distributing a document as claimed in independent claims 1, 14, and 18 of the present application. The distribution that the Examiner refers to in col. 51, lines 45-53 of the Poole et al. patent is not distribution of a document, but rather is distribution of the inferencing capabilities of the Inference Engine 300 of the Poole et al. patent wherein the Inference Engine 300 is "an architectural component of the dynamic document construction apparatus of the present invention that is intended to be independent of any specific application" (col. 42, lines 26-31).

For at least the reasons set forth above, Appellant submits that the Poole et al. patent does not teach or suggest each and every element of independent claims 1, 14, and 18. Accordingly, Appellant submits that independent claims 1, 14, and 18 are each patentably distinct from the Poole et al. patent. Furthermore, as dependent claims 2 and 5-13 further define patentably distinct claim 1, dependent claims 16-17 further define patentably distinct claim 14, and dependent claims 19-20 and 23-31 further define patentably distinct claim 18, Appellant submits that these dependent claims are also patentably distinct from the Poole et al. patent. Appellant, therefore, respectfully submits that the rejection of claims 1, 2, 5-14,

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16-20, and 23-31 under 35 U.S.C. 102(b) is not correct and should be withdrawn, and that claims 1, 2, 5-14, 16-20, and 23-31 should be allowed.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejection of claims 1, 2, 5-14, 16-20, and 23-31 is not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either John C. Moran at Telephone No. (970) 898-7010, Facsimile No. (970) 898-7247 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

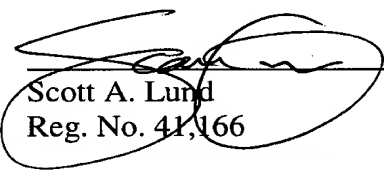
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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of October, 2005.

By 

Name: Scott A. Lund

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CLAIMS APPENDIX

1. (Previously Presented) A method of distributing a plurality of documents, the method comprising:

associating a metadata file with each of the documents;

applying at least one content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the at least one content attribute and the content attribute value thereof;

assigning at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the at least one content group thereof; and

distributing the documents based on the at least one content group of each of the documents.

2. (Previously Presented) The method of claim 1, wherein associating the metadata file with each of the documents includes identifying at least one of a title, an author, a date, and an identification of each of the documents.

3. (Cancelled)

4. (Cancelled)

5. (Previously Presented) The method of claim 1, wherein assigning the at least one content group to each of the documents includes defining a plurality of content groups including the at least one content group, defining at least one condition for each of the content groups, and assigning the at least one content group to at least one of the documents if the at least one of the documents satisfies the at least one condition of the at least one content group.

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6. (Original) The method of claim 5, wherein defining the at least one condition for each of the content groups includes specifying at least one of a plurality of content attributes including the at least one content attribute and a content attribute value for the at least one of the plurality of content attributes.
7. (Original) The method of claim 5, wherein assigning the at least one content group to the at least one of the documents includes assigning at least one content group value to a content group attribute of the at least one of the documents.
8. (Original) The method of claim 7, wherein modifying the metadata file of each of the documents to include the at least one content group includes modifying the metadata file of the at least one of the documents to include the at least one content group value for the content group attribute.
9. (Previously Presented) The method of claim 1, wherein distributing the documents includes defining a plurality of content categories, associating the at least one content group with at least one of the content categories, and distributing for the at least one of the content categories each of the documents assigned the at least one content group.
10. (Original) The method of claim 9, wherein defining the plurality of content categories includes defining at least one content sub-category for the at least one of the content categories, and wherein associating the at least one content group with the at least one of the content categories includes associating the at least one content group with the at least one content sub-category.
11. (Previously Presented) The method of claim 9, wherein distributing the documents includes defining a navigational model identifying the content categories, presenting the navigational model to an audience, receiving a request for documents associated with one of the content categories from the audience, and distributing the documents associated with the one of the content categories to the audience, including distributing the documents assigned the at least one content group associated with the at least one of the content categories.

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12. (Previously Presented) The method of claim 11, wherein distributing the documents further includes defining a communication link between a host of the navigational model and the audience, wherein receiving the request for documents includes receiving the request for documents associated with the one of the content categories from the audience via the communication link, and wherein distributing the documents includes distributing the documents associated with the one of the content categories to the audience via the communication link.

13. (Original) The method of claim 12, wherein defining the communication link includes defining an Internet communication link between the host of the navigational model and the audience.

14. (Previously Presented) A method of distributing a plurality of documents, the method comprising:

associating a metadata file with each of the documents;

applying a content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the content attribute and the content attribute value thereof;

assigning a content group to each of the documents based on the content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the content group thereof;

defining a plurality of content categories, including associating the content group with at least one of the content categories; and

distributing for the at least one of the content categories each of the documents assigned the content group.

15. (Cancelled)

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16. (Previously Presented) The method of claim 14, wherein assigning the content group to each of the documents includes defining a plurality of content groups including the content group, defining a condition for each of the content groups, and assigning at least one of the content groups to at least one of the documents if the at least one of the documents satisfies the condition of the at least one of the content groups.

17. (Original) The method of claim 16, wherein defining the condition for each of the content groups includes specifying at least one of a plurality of content attributes including the content attribute and a content attribute value for the at least one of the plurality of content attributes.

18. (Previously Presented) A document management system adapted to manage distribution of a plurality of documents, the document management system comprising:

a metadata architecture system adapted to analyze a content of each of the documents, apply at least one content attribute to each of the documents based on the content thereof, assign a content attribute value to the content attribute of each of the documents based on the content thereof, and append a metadata file of each of the documents with the at least one content attribute and the content attribute value thereof;

a logic rules application system adapted to assign at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, and modify the metadata file of each of the documents to include the at least one content group thereof; and

a document distribution system adapted to distribute the documents based on the at least one content group of each of the documents.

19. (Original) The document management system of claim 18, further comprising:
a document management data storage system adapted to store the documents therein.

20. (Original) The document management system of claim 18, wherein the metadata file of each of the documents includes at least one of a title, an author, a date, and an identification of the respective one of the documents.

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21. (Cancelled)

22. (Cancelled)

23. (Original) The document management system of claim 18, wherein the logic rules application system defines a plurality of content groups including the at least one content group and defines at least one condition for each of the content groups, and wherein the logic rules application system is adapted to assign the at least one content group to at least one of the documents if the at least one of the documents satisfies the at least one condition of the at least one content group.

24. (Original) The document management system of claim 23, wherein the at least one condition for each of the content groups specifies at least one of a plurality of content attributes including the at least one content attribute and a content attribute value for the at least one of the plurality of content attributes.

25. (Original) The document management system of claim 23, wherein the logic rules application system is adapted to assign at least one content group value for the at least one content group to a content group attribute of the at least one of the documents.

26. (Original) The document management system of claim 25, wherein the logic rules application system is adapted to modify the metadata file of the at least one of the documents to include the at least one content group value for the content group attribute.

27. (Original) The document management system of claim 18, wherein the document distribution system defines a plurality of content categories, and wherein the document distribution system is adapted to associate the at least one content group with at least one of the content categories and distribute for the at least one of the content categories each of the documents assigned the at least one content group.

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28. (Original) The document management system of claim 27, wherein the document distribution system defines a navigational model identifying the content categories, and wherein the document distribution system is adapted to present the navigational model to an audience, receive a request for documents associated with one of the content categories from the audience, and distribute the documents associated with the one of the content categories to the audience.

29. (Original) The document management system of claim 28, wherein the document distribution system is adapted to distribute the documents assigned the at least one content group associated with the at least one of the content categories.

30. (Original) The document management system of claim 28, wherein a host of the navigational model is configured to communicate with the audience via a communication link, and wherein the document distribution system is adapted to receive the request for the documents associated with the one of the content categories from the audience via the communication link and distribute the documents associated with the one of the content categories to the audience via the communication link.

31. (Original) The document management system of claim 30, wherein the communication link includes an Internet communication link.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kevin David Eld et al.

Confirmation No.: 3203

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Examiner: Kelvin Y. Lin

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Title: DOCUMENT MANAGEMENT SYSTEM AND METHOD USING CONTENT GROUPING
SYSTEM

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PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on August 18, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: Oct. 17, 2005

OR

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Number of pages:

Typed Name: Scott A. Lund

Signature: _____

Respectfully submitted,

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By Scott A. Lund

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